

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
BERNARD NEWTON L'HOMMEDIEU) CASE NO. 05-14488
KERRI J. MORNINGSTAR-L'HOMMEDIEU)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on November 29, 2005

The notice of motion and opportunity to object which American General Financial Services (hereinafter "Movant") served in connection with its Motion to Approve Joint Stipulation to Abandon Real Estate does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice is not "dated as of the date it [was] served." N.D. Ind. L.B.R. B-2002-2(c)(7). The notice is dated before the motion was filed. Can the opportunity to object to particular relief begin to run before that relief is requested? Could a defendant's obligation to answer a complaint arise before suit is filed?
- b. The deadline for filing objections is less than fifteen (15) days after the motion was filed and creditors are entitled to at least fifteen (15) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court